

Title 08

DEPARTMENT OF NATURAL RESOURCES

SUBTITLE 07 FORESTS AND PARKS

Authority: Natural Resources Article, §5-608, Annotated Code of Maryland

Licensed Forest Products Operators

.01 Definitions

(a) In general. – In this part the following words have the meanings indicated.

(1) Licensed forest product operator. – “Licensed Forest Products Operator” means a person who has received a license from the Department displaying the person’s qualifications to engage in the commercial trade of forest products as a forest products business.

(2) Forest Products Operator. – “Forest Products Operator” means a person who represents to the public that the person is available to engage in the commercial trade of forest products, including the harvesting, transporting, selling or re-selling of forest products.

(3) Forest Products. – “Forest products” include trees or parts of trees that are harvested for compensation. For purposes of this chapter, forest products include green lumber, logs, pulpwood, firewood, bark, chips, shavings, and sawdust.

(4) Commercial logging or timber harvesting operations. – “Commercial logging or timber harvesting operations” means the cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

.02 License Required.

Forest products may be sold for compensation only by a persons licensed as a “forest products operator” by the Department.

.03 Responsibilities.

A. A licensed forest products operator shall comply in all respects with applicable statutes and regulations pertaining to forest products operations.

B. A licensed forest products operator may not engage in any form of false or misleading advertising or promotional activities, including the falsification or misrepresentation of:

- (1) The professional or trade qualifications or affiliations of the forest products operator; or
- (2) The experience or licensing status of the forest products operator.

D. A licensed forest products operator shall not falsely represent the species of forest products sold or delivered, the quantity of forest products sold or delivered, or records of forest product transactions.

E. A licensed forest products operator shall retain documentation of all forest product sales transactions for one year from the date of sale. The documentation shall provide:

- (1) date of sale, name and address of purchaser;
- (2) quantity of forest product sold or delivered including unit of measurement;
- (3) species of the forest product; and
- (4) County from which the forest product originated.

F. A licensed forest products operator shall disclose the license number issued by the Department in all advertisements of services offered or notices for sale of forest products.

G. A forest products operator shall not trespass upon property adjacent to the property from which the forest products operator is lawfully harvesting or collecting forest products.

H. A forest products operator shall ensure the safe operation of all equipment used during the harvesting or collecting of forest products.

I. In the performance of harvesting, collecting or transporting forest products, a forest products operator shall make every reasonable effort to protect the safety, health, property, and welfare of the public.

J. A forest products operator shall cooperate fully with the Department of Natural Resources Forest Service in an investigation or adjudication of an alleged violation of laws pertaining to licensed forest product operators and, upon request, shall provide copies of documents to the Department.

K. A forest products operator shall, within 30 days, inform the Department of Natural Resources Forest Service in writing of a change in business address or telephone number.

.04 Supervision.

A licensed forest products operator is responsible for the quality and content of all work and acts performed by those working under the license.

.05 Requirements for licensure.

A. Qualifications; issuance. – The Department shall issue a forest products operator license to any applicant who:

(1) Pays the fee of \$20.00 per year; and

(2) Completes a form provided by the Department indicating the person's production of forest products during the previous calendar year.

B. Licensee to carry insurance. – Every licensee shall obtain workman's compensation insurance in an amount meeting the minimum requirements established pursuant to the Maryland Workers' Compensation Act under Title 9 of the Labor and Employment Article prior to the Department issuing license. The licensee shall maintain the insurance protection for the period the license is in effect.

.06 Prohibited conduct.

Illegal action and activity. – A person may not: (1) solicit, advertise, or represent the person to the public as a forest products operator without having received a license; or (2) after having received the license and subsequently losing it by revocation or suspension continue to represent the person as a licensed forest products operator, or; (3) use the title or abbreviation "F.P.O." or any other words, letters, or abbreviations tending to indicate that the person is a licensed forest products operator without having received a license, or when the license has been revoked or suspended.

.07 Suspension and Revocation.

A. The Department may permanently revoke or temporarily suspend the license of any licensed forest products operator who:

(a) Is guilty of any fraud or deceit in obtaining the license;

(b) Violates any provision of Natural Resources Article § 5-608 or this chapter.

B. The Department shall provide notice of its intent to suspend or revoke a license in accordance with Natural Resources Article § 5-608(c).